FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CONTEMPT PETITION NO. 365 OF 2005
IN
W.P.NO. 2353 OF 1991
with
C.A. No. 12 of 2007 & C.A. No.14/2007

Office Notes, Office Memoranda of Coram, appearances,Court's Orders or directions and Registry's orders.	Court's or Judges Orders.

Mrs. Teja Katdare with Ms. Alpa Javeri for the petitioner

Mr. C.R.Sonawane, AGP, for Respondents Nos.1 & 2.
Mr. S.J.Chitale for Respondent no.3.
Mr. Girish Kulkarni i/b. M.G.Kulkarni for Respondent No.4.

CORAM : A.M.KHANWILKAR, J.
DATE : 20th February 2007.

P.C. :

1. This petition is to initiate contempt action against the Respondents. The grievance is one of wilful non-compliance of the direction given by the Division Bench of this Court in its order dated 30th September, 2004 in W.P. No.2353 of 1991.

2. If we refer to the said order,

it is seen that the direction given by the Division Bench was two-fold. First direction was to Respondent No.3 - College to complete calculations within three months and forward papers to the Deputy Director of Education for further follow-up and processing the claim regarding pension. The second direction was to the Deputy Director to process the application expeditiously, in any case, within three months from the receipt thereof.

3. Insofar as the first direction is concerned, from the affidavits filed by the parties, it is obvious that the College forwarded calculations to the Deputy Director of Education on 4.12.2004 which is within three months from the date of the order.

4. Insofar as the second direction is concerned, from the affidavit filed by Dr. Kashinath M.Kulkarni, Director of Higher education, it is noticed that the

Authority processed the claim of the petitioner and considering the relevant matter, has taken the view that the petitioner is not entitled for revised UGC scale. In other words, both the directions have been complied with. It is, therefore, not a case of wilful disobedience of the order or direction of the Court. If the petitioner is aggrieved by the decision of the Deputy Director taking the view that the petitioner is not entitled for revision of UGC scale, it will open to the petitioner to question the correctness thereof in appropriate proceedings as may be advised or permissible by law.

4. With these observations, the Petition is disposed of.

5. Notices issued to the Respondents stand discharged. Bailable warrants issued against the concerned contemnors also

stand recalled in view of the above.

6. In viw of this, the companion Applications stands disposed of.

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[A.M.KHANWILKAR, J.]